

EXHIBIT 9

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13 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

15 VIDEOTAPED DEPOSITION of MIKE RINGHOFER,
16 taken by Defendant, pursuant to Notice,
17 at the offices of Orrick Herrington &
18 Sutcliffe LLP, 51 West 52nd Street,
19 Carnegie Hill, 23rd Floor, New York, New
20 York, before Amy Klein Campion, a
21 Shorthand Reporter and Notary Public
22 within and for the State of New York.

25 Job No. CS2193288

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1 royalties?

2 MS. LEWIS-GRUSS: Objection to
3 form.

4 A. I am not aware.

5 Q. And why did you speak with
6 Mr. Jarae regarding those three accounts
7 that you just named?

8 A. The digital set top box, use
9 cases, are one that we are seeing erosion
10 from historical royalties and where
11 Android has certainly caused impact to our
12 success in the market.

13 Q. What do you mean by "Android has
14 caused impact to our success in the
15 market"?

16 A. We sell less royalties because
17 it's hard to compete against Java when
18 Java has been taken and used as a core
19 component of Android and is given to
20 customers for free.

21 Q. You mentioned -- well, strike
22 that.

Has Oracle lost Comcast business
to Android?

25 MS. LEWIS-GRUSS: Objection to

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1 form.

2 A. I believe so.

3 Q. In what context?

4 A. I believe they use Android
5 licensing and they do not license from
6 Oracle.

7 Q. And you're not aware of Comcast
8 ever having been an Oracle licensee,
9 correct?

10 A. That is correct.

11 Q. So what basis -- what is the
12 basis for your statement that Oracle lost
13 Comcast business to Android?

14 A. We're -- definitely compete for
15 deals. When we compete we combat or
16 always deal with price sensitivity because
17 we're not free. We obviously have a
18 royalty. And I believe that because of
19 price sensitivity, and they already had --
20 if they had already in essence Java via
21 Android, then they didn't see a purpose of
22 paying Oracle.

23 Q. And has Comcast ever told you in
24 words or in substance that they didn't
25 want to pay for Java because they had

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1 embedded technology is absolutely a
2 potential for Java.

3 Q. And what -- why do you say that?

4 A. Because specifically to Android,
5 because Android has taken Java, so
6 therefore Java is the core component of
7 Android, so it in itself is an opportunity
8 for Java. And we have a very strong --
9 the strongest development community on the
10 planet with Java, and have a very strong
11 opportunity for embedded platforms in
12 devices such as phones. That's extremely
13 competitive.

14 Q. Why is it that you say, "Java is
15 a core component of Android"?

16 A. Because Android -- Google took
17 Java, used it, because they are in
18 desperate need to get to market faster,
19 made it part of -- a key part of their
20 operating system and shipped it without
21 licenses to a large customer base.

22 Q. What basis do you have to
23 conclude that Java is a key part of the
24 Android operating system?

25 MS. LEWIS-GRUSS: Objection to

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1 form.

2 A. From many technical people
3 and -- at Oracle and ecosystem that I've
4 heard from and have heard of conversations
5 from.

6 Q. Okay. Can you describe to me in
7 more detail what those conversations
8 consisted of?

9 MS. LEWIS-GRUSS: Objection to
10 form.

11 A. Sure.

12 We'll take -- I'll give an
13 example. So Samsung is one of the largest
14 phone providers on the planet.
15 Approximately three years ago we did a
16 roughly [REDACTED] prepay with them for
17 Java ME. We just did a deal last week
18 with them for the same phones at
19 approximately [REDACTED].

20 That is significant erosion in
21 three years.

22 I have heard from my sales team
23 that engineers at Samsung have said, "Why
24 should we pay for Java, when we get it for
25 free 'cause it's in Android." That is one

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1 C E R T I F I C A T E

2 STATE OF NEW YORK)

3 : ss.

4 COUNTY OF NEW YORK)

5 I, AMY KLEIN CAMPION, a
6 Shorthand Reporter and Notary Public
7 within and for the State of New York,
8 do hereby certify:

9 That MIKE RINGHOFER, the
10 witness whose deposition is
11 hereinbefore set forth, was duly sworn
12 by me and that such deposition is a
13 true record of the testimony given by
14 the witness.

15 I further certify that I am
16 not related to any of the parties to
17 this action by blood or marriage, and
18 that I am in no way interested in the
19 outcome of this matter.

20 IN WITNESS WHEREOF, I have
21 hereunto set my hand this 3rd day of
22 December, 2015.

23 

24 AMY KLEIN CAMPION